



# House of Representatives

## File No. 465

General Assembly

February Session, 2002

**(Reprint of File No. 332)**

Substitute House Bill No. 5679  
As Amended by House  
Amendment Schedule "A"

Approved by the Legislative Commissioner  
April 12, 2002

### **AN ACT CONCERNING CREDIT AGAINST UNPAID FINES FOR TIME SPENT IN CONFINEMENT OR PERFORMING COMMUNITY SERVICE.**

Be it enacted by the Senate and House of Representatives in General  
Assembly convened:

1       Section 1. Section 18-50 of the general statutes is repealed and the  
2       following is substituted in lieu thereof (*Effective October 1, 2002*):

3       (a) [Each] (1) Except as provided in subdivision (2) of this  
4       subsection, each person committed to any community correctional  
5       center upon conviction of any criminal offense, and held therein only  
6       for the payment of a fine, shall be discharged from confinement when  
7       the time served by such person at the rate of [ten] fifty dollars a day  
8       amounts to such fine or the balance thereof remaining unpaid. [*;* but  
9       such a] Such person shall earn an additional credit of [ten] fifty dollars  
10      toward such fine or balance [of fine] thereof remaining unpaid for each  
11      day [he] such person is employed at productive or maintenance work  
12      and has established a satisfactory work record. In computing the  
13      number of days to be served, credit shall be given for Sundays,  
14      holidays and the day of admission. Each person so committed shall be  
15      released during the day following that which completes the time to be

16 served when computed in accordance [herewith] with this subdivision,  
17 or immediately upon payment of the fine in full.

18 (2) Each person committed to any community correctional center  
19 upon conviction of any criminal offense, and held therein only for the  
20 payment of a fine, may be released from confinement by the  
21 Commissioner of Correction and, with the agreement of the Court  
22 Support Services Division within the Judicial Department, be  
23 transferred to said division subject to the requirement that such person  
24 perform community service under the supervision of said division  
25 until the period of community service performed by such person at the  
26 rate of fifty dollars a day amounts to such fine or the balance thereof  
27 remaining unpaid. Any person so transferred shall remain under the  
28 jurisdiction of the commissioner. Such person shall be discharged from  
29 the jurisdiction of the commissioner when such person completes the  
30 period of community service required to be performed when  
31 computed in accordance with this subdivision or immediately upon  
32 payment of the fine in full. If, at any time during such person's release  
33 from confinement pursuant to this subdivision, the commissioner  
34 determines that the conduct of such person is unsuitable for  
35 continuation in such program of community service, such person may  
36 be returned to confinement.

37 (3) Payments of fines after commitment shall be made to the clerk of  
38 the court which imposed the sentence, and such clerk shall thereupon  
39 issue a certificate, which shall be delivered to the Community  
40 Correctional Center Administrator as evidence of such payment and  
41 shall be attached to and retained with the mittimus or other  
42 commitment process, except that, if payment is made at any time when  
43 the office of such clerk is not open, such payment shall be made to any  
44 person designated by the Community Correctional Center  
45 Administrator at the community correctional center where such person  
46 is confined, and such person so designated shall transmit the payment  
47 to the clerk of the court on the first court day thereafter. No person  
48 shall be held in confinement for failure to pay a fine after such a  
49 certificate showing that such fine has been fully paid has been

50 delivered to the Community Correctional Center Administrator;  
51 provided, if a fine is paid to a person designated to accept it when the  
52 office of the clerk is not open, the person confined to the community  
53 correctional center shall immediately be released without requiring the  
54 prior issuance of such certificate.

55 (b) Payments by persons committed to community correctional  
56 centers of fees imposed under the provisions of section 51-56a or costs  
57 imposed under the provisions of section 54-143 or 54-143a shall be  
58 made to the clerk of the court location which imposed the sentence,  
59 except that if payment is made at any time when the office of such  
60 clerk is not open, such payment shall be made to any official at the  
61 correctional center where such person is confined and such official  
62 shall transmit the payment to the clerk of the court on the first court  
63 day thereafter.

64 Sec. 2. Section 18-98d of the general statutes, as amended by public  
65 act 01-78, is repealed and the following is substituted in lieu thereof  
66 (*Effective October 1, 2002*):

67 (a) (1) Any person who is confined to a community correctional  
68 center or a correctional institution for an offense committed on or after  
69 July 1, 1981, under a mittimus or because such person is unable to  
70 obtain bail or is denied bail shall, if subsequently imprisoned, earn a  
71 reduction of such person's sentence equal to the number of days which  
72 such person spent in such facility from the time such person was  
73 placed in presentence confinement to the time such person began  
74 serving the term of imprisonment imposed; provided (A) each day of  
75 presentence confinement shall be counted only once for the purpose of  
76 reducing all sentences imposed after such presentence confinement;  
77 and (B) the provisions of this section shall only apply to a person for  
78 whom the existence of a mittimus, an inability to obtain bail or the  
79 denial of bail is the sole reason for such person's presentence  
80 confinement, except that if a person is serving a term of imprisonment  
81 at the same time such person is in presentence confinement on another  
82 charge and the conviction for such imprisonment is reversed on

83 appeal, such person shall be entitled, in any sentence subsequently  
84 imposed, to a reduction based on such presentence confinement in  
85 accordance with the provisions of this section. In the case of a fine,  
86 each day spent in such confinement prior to sentencing shall be  
87 credited against the sentence at the rate of [ten] fifty dollars.

88 (2) (A) Any person convicted of any offense and sentenced on or  
89 after October 1, 2001, to a term of imprisonment who was confined to a  
90 police station or courthouse lockup in connection with such offense  
91 because such person was unable to obtain bail or was denied bail shall,  
92 if subsequently imprisoned, earn a reduction of such person's sentence  
93 in accordance with subdivision (1) of this subsection equal to the  
94 number of days which such person spent in such lockup, provided  
95 such person at the time of sentencing requests credit for such  
96 presentence confinement. Upon such request, the court shall indicate  
97 on the judgment mittimus the number of days such person spent in  
98 such presentence confinement.

99 (B) Any person convicted of any offense and sentenced prior to  
100 October 1, 2001, to a term of imprisonment, who was confined in a  
101 correctional facility for such offense on October 1, 2001, shall be  
102 presumed to have been confined to a police station or courthouse  
103 lockup in connection with such offense because such person was  
104 unable to obtain bail or was denied bail and shall, unless otherwise  
105 ordered by a court, earn a reduction of such person's sentence in  
106 accordance with the provisions of subdivision (1) of this subsection of  
107 one day.

108 (C) The provisions of this subdivision shall not be applied so as to  
109 negate the requirement that a person convicted of a first violation of  
110 subsection (a) of section 14-227a and sentenced pursuant to  
111 subparagraph (B)(i) of subdivision (1) of subsection (h) of said section  
112 serve a term of imprisonment of at least forty-eight consecutive hours.

113 (b) In addition to any reduction allowed under subsection (a) of this  
114 section, if such person obeys the rules of the facility such person may

115 receive a good conduct reduction of any portion of a fine not remitted  
116 or sentence not suspended at the rate of ten days or [one] five hundred  
117 dollars, as the case may be, for each thirty days of presentence  
118 confinement; provided any day spent in presentence confinement by a  
119 person who has more than one information pending against such  
120 person may not be counted more than once in computing a good  
121 conduct reduction under this subsection.

122 (c) The Commissioner of Correction shall be responsible for  
123 ensuring that each person to whom the provisions of this section apply  
124 receives the correct reduction in such person's sentence; provided in no  
125 event shall credit be allowed under subsection (a) of this section in  
126 excess of the sentence actually imposed.

This act shall take effect as follows:	
Section 1	<i>October 1, 2002</i>
Sec. 2	<i>October 1, 2002</i>

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

### **OFA Fiscal Note**

#### **State Impact:**

Fund-Type	Agency Affected	Current FY \$	FY 03 \$	FY 04 \$
GF - Savings	Correction, Dept.	-	280,000	280,000
GF - Cost	Judicial Dept.	-	Minimal	Minimal

Note: GF=General Fund

**Municipal Impact:** None

#### **Explanation**

The bill would result in annual savings to the Department of Correction (DOC) by shortening the time period that offenders incarcerated for fines are in the department's custody. For example, under current law, an individual who has a \$500 fine would be in DOC custody for 50 days. Under the proposed bill, that same individual would be in DOC custody for 10 days. The difference of 40 days represents a savings of \$2,800. Currently, the department has 15 offenders in custody for unpaid fines and averages 80-100 per year. Annual savings to the department would be approximately \$280,000 per year.

DOC may release individuals who are confined only for payment of fines to perform community service under the supervision of the Judicial Department's Court Support Services Division (CSSD). Assuming that 80 -100 individuals with average fines of \$500 would be transferred to CSSD, there would be an additional 6,400 - 8,000 community service hours that the CSSD would have to supervise. It is anticipated that the CSSD would be able to accommodate these additional hours of supervision within available resources. In FY 01, the CSSD supervised 231,779 hours of community service.

*House Amendment "A"* provides that a fine can be reduced by \$500 for each 30 days of good conduct instead of \$1,000 as was stated in the original bill. The amendment does not result in any additional fiscal impact to the state.

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**OLR Amended Bill Analysis**

sHB 5679 (as amended by House "A")\*

***AN ACT CONCERNING CREDIT AGAINST UNPAID FINES FOR  
TIME SPENT IN CONFINEMENT OR PERFORMING COMMUNITY  
SERVICE***

**SUMMARY:**

This bill increases the credit someone earns toward payment of a fine, from \$10 to \$50 for each day of confinement, when he is convicted of a crime and held in a Department of Correction (DOC) facility only for payment of the fine. It also increases, from \$10 to \$50, the additional credit that someone can earn for each day of productive or maintenance work, if the person has a satisfactory work record.

The bill also allows these individuals to be released by DOC, with the agreement of the Judicial Department's Court Support Services Division (CSSD), to perform community service under CSSD supervision. A person earns a credit toward payment of his fine of \$50 per day for this service. He remains under DOC jurisdiction during this time and is released after completing the period of required service or when the fine is paid in full. The person can be returned to confinement if DOC determines that the person's conduct makes him unsuitable for continuing in community service.

The bill also increases from \$10 to \$50 the credit someone earns toward payment of a fine for each day he spends confined in a DOC facility before sentencing because he could not obtain or was denied bail.

In addition, a person can earn a reduction of his fine for good conduct if he obeys the facility rules while confined before sentencing in a DOC facility or police or courthouse lock-up. The bill increases this amount from \$100 to \$500 for each 30 days of confinement.

\*House Amendment "A" reduces the good conduct credit from \$1,000 to \$500.



EFFECTIVE DATE: October 1, 2002

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 37      Nay 0